

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

CHAMBER OF COMMERCE OF
THE UNITED STATES OF
AMERICA; FORT WORTH
CHAMBER OF COMMERCE;
LONGVIEW CHAMBER OF
COMMERCE; AMERICAN
BANKERS ASSOCIATION;
CONSUMER BANKERS
ASSOCIATION; and TEXAS
ASSOCIATION OF BUSINESS,

Plaintiffs,

v.

CONSUMER FINANCIAL PROTECTION
BUREAU; and ROHIT CHOPRA, in his
official capacity as Director of the Consumer
Financial Protection Bureau,

Defendants.

Case No.: 4:24-cv-213-P

JOINT REPORT REGARDING SCHEDULING

The parties respectfully submit this joint report in response to the Court's December 10, 2024, order regarding scheduling. As outlined below, the parties request that the Court enter a briefing schedule for cross-motions for summary judgment to resolve any remaining issues in this case:

1. On December 6, 2024, the Court entered an opinion and order that, among other things, denied Defendants' motion to dissolve the preliminary injunction and lift the stay of the Credit Card Penalty Fees Final Rule that Plaintiffs challenge in this case. *See Opinion & Order, ECF No. 128.*
2. On December 10, 2024, the Court entered an order determining that the case "does not appear to present additional issues requiring discovery" and "find[ing] it necessary for the Parties to

provide a summary judgment briefing schedule.” *See Order*, EF No. 129. Accordingly, the Court ordered the parties to “prepare a joint report that details the remaining legal issues and a summary judgment briefing schedule for those issues.” *Id.*

3. The Bureau’s position is that all issues in the complaint remain live for summary judgment purposes because the Court’s recent order only resolved certain issues on the preliminary injunction standard.

4. The parties agree that it is appropriate to resolve any remaining issues in this case through summary judgment briefing. The parties have conferred and respectfully request that the Court enter the following agreed-upon schedule:

- a. Defendants shall file the certified index of the administrative record and serve the administrative record on Plaintiffs by **January 9, 2025**.
- b. Plaintiffs shall file their opening Motion for Summary Judgment by **February 20, 2025**.
- c. Defendants shall file their combined Cross-Motion for Summary Judgment and Response to Plaintiffs’ Motion for Summary Judgment by **April 3, 2025**.
- d. Plaintiffs shall file their combined Response to Defendants’ Cross-Motion for Summary Judgment and Reply in Support of their Motion for Summary Judgment by **May 1, 2025**.
- e. Defendants shall file their Reply in Support of their Cross-Motion for Summary Judgment by **May 22, 2025**.

DATED: December 23, 2024

Respectfully Submitted,

/s/ Michael Murray
Michael Murray
D.C. Bar No. 1001680
Admitted Pro Hac Vice
michaelmurray@paulhastings.com
PAUL HASTINGS LLP
2050 M Street NW
Washington, DC 20036
(202) 551-1730

Philip Vickers
Texas Bar No. 24051699
pvickers@canteyhanger.com
Derek Carson
Texas Bar No. 24085240
dcarson@canteyhanger.com
CANTEY HANGER LLP
600 West 6th Street, Suite 300
Fort Worth, TX 76102
(817) 877-2800
Attorneys for Plaintiffs

Thomas Pinder
D.C. Bar No. 451114
Admitted Pro Hac Vice
tpinder@aba.com
Andrew Doersam
D.C. Bar No. 1779883
Admitted Pro Hac Vice
adoersam@aba.com
AMERICAN BANKERS ASSOCIATION
1333 New Hampshire Ave. NW
Washington, DC 20036
Attorneys for Plaintiff American Bankers Association

Jennifer B. Dickey
D.C. Bar No. 1017247
Admitted Pro Hac Vice
jdickey@uschamber.com
Maria C. Monaghan
D.C. Bar No. 90002227
Admitted Pro Hac Vice
mmonaghan@uschamber.com
U.S. CHAMBER LITIGATION CENTER
1615 H Street NW

SETH FROTMAN
General Counsel
STEVEN Y. BRESSLER
Deputy General Counsel
KRISTIN BATEMAN
Assistant General Counsel

s/ Stephanie B. Garlock
STEPHANIE B. GARLOCK*
Counsel
D.C. Bar No. 1779629
JUSTIN M. SANDBERG*
Senior Counsel
Ill. Bar No. 6278377
JOSEPH FRISONE*
Senior Counsel
Va. Bar No. 90728
Consumer Financial Protection Bureau
1700 G St. NW
Washington, D.C. 20552
Stephanie.Garlock@cfpb.gov
Justin.Sandberg@cfpb.gov
Joseph.Frisone@cfpb.gov
(202) 435-7201 (Garlock)
(202) 450-8786 (Sandberg)
(202) 435-9287 (Frisone)
(202) 435-7024 (fax)

**admitted pro hac vice*

Attorneys for Defendants Consumer Financial Protection Bureau and Rohit Chopra

Washington, DC 20062

*Attorneys for Plaintiff Chamber of
Commerce of the United States of America*

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2024, a true and correct copy of this document was served electronically by the Court's CM/ECF system to all counsel of record.

/s/ Stephanie B. Garlock
Stephanie B. Garlock